

PATENT  
Attorney Docket No. 01F1475

REMARKS

The Applicants thank the Examiner for the very careful and thorough review of the application.

Claim 7 has been amended as suggested by the Examiner.

Claims 1 and 12 have been amended to address the Examiner's 112 rejection. The language in the claim that the Examiner found objectionable has been deleted.

The Applicants have filed a terminal disclaimer to address the double patenting rejections based upon US 6,252,547.

The Examiner has rejected claims 1, 12, 16 and 17 under 103(a) over Madison, Horn, Craport, McNutt and Schneidewend.

This combination of references fails to teach the claimed invention.

Claims 1 and 12 include limitations to multiple criteria for receiving authorization of a signal. Both claims 1 and 12 include limitations to a signal strength CALCULATION, as well as a distance from a predetermined location.

The Examiner does not even suggest that Madison or Horn teaches using multiple criteria. Madison discloses a sports blackout (we will assume for the sake of argument that it is a distance from a predetermined location), and the Horn reference teaches a signal strength MEASUREMENT. There is no teaching that one should use multiple criteria. Moreover, even if the teachings of these

PATENT  
Attorney Docket No. 01F1475

references were combined, they would not suggest the present invention, since the Horn reference teaches a measurement of a signal, and the present invention utilizes a calculation of the signal strength based upon a location. This difference between what is measured and a calculated signal strength is not even suggested as being desirable. Consequently, these references fail to establish a *prima facie* case of obviousness with respect to claims 1, 12, 16 and 17.

The Examiner has rejected all of the remaining claims (except for claim 11) under 103 based upon the Madison and McNutt or together in combination with Craport.

Claim 2, the independent claim, has been amended to include limitations to multiple criteria for making an eligibility determination and more specifically making one of the criteria as being a signal strength determination of a terrestrially broadcast signal and the eligibility for programming VIA A SIGNAL OTHER THAN the terrestrially broadcast signal. This notion of using multiple criteria where one is a signal strength of a terrestrial broadcast signal to determine eligibility for programming via a means OTHER than that terrestrially broadcast signal is not taught or suggested by the cited references. Determining eligibility of signal A based upon signal strength of signal B is believed to not be taught by these references. All of the claims which depend from claim 2, as amended, should be in condition for allowance as well.

Lastly, the Examiner rejected claim 11 based upon Madison and Ahlenius.

PATENT  
Attorney Docket No. 01F1475

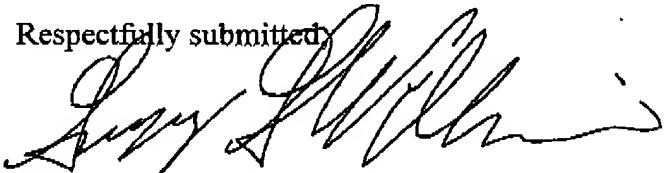
Claim 11 also includes limitations to multiple criteria where one is a predicted calculation of signal strength of a terrestrially broadcast signal. Moreover, claim 11 has been amended to include the following limitation:

“, without affecting any ability to receive a terrestrially broadcast signal;”

This notion of calculating a signal strength of signal and then not affecting any ability to receive that very signal is not taught or suggested by the cited references.

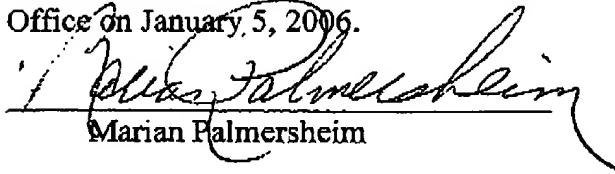
The Applicants believe that there are several novel aspects to the present invention. They invite the Examiner to call the Applicants' attorney if there are any minor concerns remaining which might interfere with the prompt allowance of the claims as amended.

Respectfully submitted,



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